

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 5:14-cv-00217-BO

VARIETY STORES, INC.,

Plaintiff,

vs.

WAL-MART STORES, INC.,

Defendant.

**WAL-MART STORES, INC.'S
MOTION FOR
SUMMARY JUDGMENT**

Defendant Wal-Mart Stores, Inc. ("Walmart"), through the undersigned counsel and pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, hereby respectfully moves the Court for summary judgment on Plaintiff Variety Stores, Inc.'s claims for federal trademark infringement and unfair competition under the Lanham Act (Count One), unfair and deceptive trade practices under N.C. Gen. Stat. § 75-1.1 (Count Two), state common law unfair competition (Count Four), damages, and attorneys' fees and costs. In support of this motion, Walmart submits the accompanying memorandum, affidavits, and exhibits.

Dated: May 8, 2015

Respectfully submitted,

/s/ John F. Morrow, Jr.

John F. Morrow, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 8, 2015, he served a copy of the foregoing by filing same using the Court's ECF filing system, which will send an electronic notification to all counsel of record.

/s/John F. Morrow, Jr.

John F. Morrow, Jr.